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SAMSUNG SDI BRASIL LTDA.,
11 SHENZEN SAMSUNG SDI CO., LTD. and
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12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 In re: CATHODE RAY TUBE (CRT)
17 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

18
19 This Document Relates to:

20 DIRECT PURCHASER ACTIONS
21
22

**~~[PROPOSED]~~ ORDER GRANTING
DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

[re Samsung SDI documents]

1 The Direct Purchaser Plaintiffs filed an Administrative Motion to Seal Documents
 2 Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt. # 1057) ("Motion to Seal") related to the
 3 filing of the Direct Purchaser Plaintiffs' Memorandum of Points and Authorities in Opposition to
 4 Defendants' Motion for Partial Summary Judgment ("DPPs' Opposition"), the Declaration of R.
 5 Alexander Saveri in Opposition in Opposition to Defendants' Motion for Partial Summary
 6 Judgment ("Saveri Declaration"), and the exhibits attached to the Saveri Declaration, all of which
 7 were lodged conditionally under seal on February 24, 2012 pursuant to Plaintiffs' Motion to Seal.
 8 Defendants Samsung SDI America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn.
 9 Bhd., Samsung SDI Mexico S.A. De C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co.,
 10 Ltd. Tianjin Samsung SDI Co., Ltd. (collectively the "Samsung SDI Defendants") filed the
 11 Declaration of Michael W. Scarborough ("Scarborough Decl.") in support of Plaintiffs' Motion to
 12 Seal, requesting a narrowly tailored order to maintain certain documents and document excerpts
 13 under seal.

14 The documents at issue are the (i) Saveri Declaration Exhibit 23; (ii) Saveri
 15 Declaration Exhibit 54; (iii) Saveri Declaration, page 6, line 6 (starting with "They") to line 21
 16 (ending with "forecasts."); (iv) Saveri Declaration, page 11, lines 17-24; (v) Saveri Declaration,
 17 Item #54 on page 4 of the Index of Exhibits; (vi) DPPs' Opposition, page 3, line 20 (starting with
 18 "For") to line 24 (ending with "televisions"); (vii) DPPs' Opposition, pages 3-4, fn. 3; (viii) DPPs'
 19 Opposition, page 5, line 8 (from "over" through "%"); and (ix) DPPs' Opposition, page 24, line 8
 20 (starting with "over") to line 9 (ending with "co-conspirators"). Exhibit 54 is a two-page excerpt
 21 of the Samsung SDI Defendants' sales transaction data, produced in this action as SDCRT-
 22 0083118 and designated by the Samsung SDI Defendants as "Highly Confidential" under the
 23 Protective Order. The Saveri Declaration at page 11, lines 17-24 and Item #54 on page 4 of the
 24 Index of Exhibits and the DPPs' Opposition at page 5, line 8, and page 24, lines 8-9 contain related
 25 discussions of and citations to Exhibit 54. Exhibit 23 is the Samsung SDI Defendants'
 26 Supplemental Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories, Nos. 4 and 5,
 27 designated by the Samsung SDI Defendants as "Confidential" under the Protective Order. The
 28

1 Saveri Declaration at page 6, line 6 (starting with "They") to line 21 (ending with "forecasts.") and
 2 the DPPs' Opposition, page 3, line 20 (starting with "For") to line 24 (ending with "televisions")
 3 and pages 3-4, fn. 3 contain related discussions of and citations to Exhibit 23.

4 After due consideration of the papers submitted and the arguments of counsel, the
 5 Court finds that the above materials described in the Scarborough Decl. contain proprietary and
 6 sensitive business information, and a substantial probability exists that the Samsung SDI
 7 Defendants would be competitively harmed if the materials were publicly disclosed. The Court
 8 also finds that the Samsung SDI Defendants have narrowly tailored this sealing request to only
 9 those exhibits and references thereto necessary to protect their proprietary and sensitive business
 10 information. The Court thus finds compelling reasons to maintain under seal the materials
 11 described in the Scarborough Decl.

12 **IT IS THEREFORE ORDERED** that the following documents and document
 13 excerpts shall be maintained permanently under seal in their entirety:

- 14 a. Saveri Declaration Exhibit 23;
- 15 b. Saveri Declaration Exhibit 54;
- 16 c. Saveri Declaration, page 6, line 6 (starting with "They") to line 21 (ending
 17 with "forecasts.");
- 18 d. Saveri Declaration, page 11, lines 17-24;
- 19 e. Saveri Declaration, Item #54 on page 4 of the Index of Exhibits;
- 20 f. DPPs' Opposition, page 3, line 20 (starting with "For") to line 24 (ending
 21 with "televisions");
- 22 g. DPPs' Opposition, pages 3-4, fn. 3;
- 23 h. DPPs' Opposition, page 5, line 8 (from "over" through "%"); and
- 24 i. DPPs' Opposition, page 24, line 8 (starting with "over") to line 9 (ending
 25 with "co-conspirators").
- 26
- 27
- 28

1 **IT IS SO ORDERED.**

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3 Dated: April 2, 2012

